

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CYNTHIA BROWN,

Plaintiff,

-v-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 15-cv-4913 (RJS) (JCF)

ORDER ADOPTING
REPORT AND RECOMMENDATION

RICHARD J. SULLIVAN, District Judge:

Plaintiff Cynthia Brown brings this action pursuant to 42 U.S.C. § 405(g) to appeal the final decision of the Social Security Commissioner (“Defendant” or “Commissioner”) denying her claims for Supplemental Security Income under the Social Security Act. (Doc. No. 2.) On July 10, 2015, the Court referred this matter to the Honorable James C. Francis IV, Magistrate Judge, for a Report and Recommendation. (Doc. No. 6.) Thereafter, Defendant moved for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. (Doc. Nos. 13.)


Now before the Court is Judge Francis’s Report and Recommendation, dated June 29, 2016 (the “Report”), recommending that (1) Defendant’s motion be denied, (2) the Commissioner’s decision denying benefits be vacated, and (3) the case be remanded to the Administrative Law Judge (“ALJ”). (Doc. No. 18.) In the Report, Judge Francis informed the parties of the timeframe to file objections and advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections on appeal. (*Id.* at 33–34); *see also* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). No party has filed objections to the Report, and the time to do so has expired.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). When no objections to a report and recommendation are made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Boyd v. City of New York*, 12-cv-3385 (PAE) (JCF), 2013 WL 452313, *1 (S.D.N.Y. Feb. 6, 2013) (citation and internal quotation marks omitted); *see also Lang ex rel. Morgan v. Astrue*, 05-cv-7263 (KMK) (PED), 2009 WL 3747169, *1 (S.D.N.Y. Nov. 6, 2009).

Having reviewed Judge Francis’s thirty-four-page Report, the Court finds that the reasoning and conclusions set forth therein are not facially or clearly erroneous. Accordingly, IT IS HEREBY ORDERED that Defendant’s motion for judgment on the pleadings is DENIED, the Commissioner’s decision denying benefits is VACATED, and this case is REMANDED to the Administrative Law Judge pursuant to 42 U.S.C. § 405(g). The Clerk of the Court is respectfully directed to terminate the motion pending at docket number 13, to mail a copy of this Order to Plaintiff, and to close this case.

SO ORDERED.

DATED: December 30, 2016
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

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